

FILED

OCT 25 2017

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

BUTTE DIVISION

In re:

EDRA D. BLIXSETH

Debtors.

CV 14-51-BU-SEH

WESTERN CAPITAL PARTNERS,
LLC,

Appellant,

v.

RICHARD J. SAMSON, AS
TRUSTEE
FOR THE CHAPTER 7 ESTATE OF
EDRA D. BLIXSETH,

Appellee.

ORDER

On July 31, 2014, Appellant Western Capital Partners, LLC ("Western Capital") appealed an Order entered July 10, 2014, by the United States

Bankruptcy Court for the District of Montana regarding the disbursement of funds in the amount of \$18,965.49.¹ Western Capital argues that the Bankruptcy Court erred in approving Appellee Richard J. Samson's ("Samson") distribution of such funds because the funds were subject to a perfected UCC security interest in favor of Western Capital. The Bankruptcy Court's decision was based in large part on a judgment it entered in Samson's favor in Adversary Proceeding No. 10-94. At the time the Court entered the decision on appeal here, its judgment in Adversary Proceeding No. 10-94 was on appeal before Chief Judge Dana L. Christensen.² Judge Christensen's decision affirming the Bankruptcy Court's judgment was reversed in part by the Ninth Circuit Court of Appeals on March 9, 2017.³ Given the partial reversal of the Bankruptcy Court's judgment by the Ninth Circuit, this Court finds it appropriate to remand this matter back to the Bankruptcy Court for further proceedings in accordance with the partial reversal.

ORDERED:

This case is remanded to the Bankruptcy Court for further proceedings in accordance with the Ninth Circuit Court of Appeal's decision in *Samson v.*

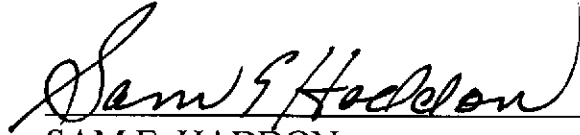
¹ Doc. 1.

² See *In Re Edra D. Blixseth*, CV 13-25-BU-DLC.

³ See *Samson v. Western Capital Partners, LLC (In re Blixseth)*, 2017 WL 929206 (9th Cir. 2017)

Western Capital Partners, LLC (In re Blixseth), 2017 WL 929206 (9th Cir. 2017)

DATED this 25th day of October, 2017.



SAM E. HADDON
United States District Judge